

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE
COFFEE ANTITRUST LITIGATION

CIVIL ACTION NO.: 14 MD 2542 (VSB) (SLC)

DISCOVERY ORDER

SARAH L. CAVE, United States Magistrate Judge.

In response parties' joint letter filed at ECF No. 847, the Court ORDERS that the following language be used for TreeHouse's remaining 30(b)(6) topics:

Topic 3: TreeHouse will undertake reasonable efforts to prepare and produce a witness to offer testimony regarding the type of coffee that TreeHouse used in its Portion Packs.

Topic 19: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding any exclusivity provision that exists in any agreement related to single-serve coffee business TreeHouse had during the relevant time period.

Topic 20: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's policies and practices concerning customer and consumer complaints about its portion packs, including:

- (a) TreeHouse's strategies for responding to such complaints, including any scripts or talking points used to respond to such complaints;
- (b) TreeHouse's communications with customers regarding the safety, quality, or performance of its portion packs;
- (c) Instances in which TreeHouse pulled its portion packs from shelves, withdrew its portion packs, or placed orders of its portion packs on hold due, in part or in whole, to quality concerns or consumer complaints regarding its portion packs; and,
- (d) TreeHouse's knowledge about instances in which Your Customers pulled Your Portion Packs from shelves, withdrew Your Portion Packs, or placed orders of Your Portion Packs on hold due, in part or in whole, to quality concerns or Consumer complaints regarding Your Portion Packs, such as those

references in: THS-003845228, THS-003338773, THS-001996570, THS-003858535, THS-001870935, THS-001869882, HS-003685755, THS-000032275, THS-003856837, THS-002023526, THS-002286138, THS-001484433, THS-003616163, HS-001261653, and THS-003705317.

Topic 25: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's evaluation and understanding of the quality of its portion packs, including their taste, functionality, performance, and safety.

Topic 27: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's efforts to manufacture, promote, and sell a Portion Pack compatible with the Keurig 2.0 Brewer, including statements to Customers and potential Customers regarding this litigation or Keurig 2.0 Brewer-compatible Portion Packs and those Customers' and potential Customers' responses to such statements, if any.

Topic 41: All product reviews, including but not limited to Amazon reviews, of K-cups, Keurig brewers, or Your Portion Packs that were completed by or at the direction of Your employees, contractors, or consultants; all instances in which You or Your employees asked them to write those product reviews; all consultants You retained for management of Consumer feedback and Consumer reviews, and the amount spent by You to manage, influence, or write consumer reviews of K-Cups, Keurig brewers, and Your Portion Packs.

Topic 57: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's statements to TreeHouse shareholders or investors about TreeHouse's financial performance, concerning the sales of Portion Packs.

Topic 65: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's contract with Unilever.

Topic 68: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's electronic records management policies and procedures relating to the preservation of company computers and email in connection with litigation holds.

Topic 69: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding the identity and storage of TreeHouse's email systems for the period 2009-2017, including whether and when TreeHouse's emails are automatically deleted.

Topic 70: TreeHouse will undertake reasonable efforts to prepare and produce a witness to testify regarding TreeHouse's systems for maintaining data related to sales and rebates for single-serve coffee products during the relevant time period.

Dated: New York, New York
March 13, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge